

**ORDINANCE NO. 2002 - \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ADDING A NEW ARTICLE 6, HOST RESPONSIBILITIES OF PARTIES IN RESIDENTIAL AREAS, TO CHAPTER 34, ENVIRONMENT, OF THE SAN MARCOS CITY CODE, INCLUDING PROCEDURAL PROVISIONS; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

1. The City staff has presented evidence to the City Council that loud noise and parties in residential areas of the City disturb the residents, detrimentally affect the integrity and livability of the areas, and reduce property values.
2. The Police Department has established a Community Policing Planning Model to examine long term solutions to loud noise and parties that disturb the residential areas of the community.
3. The Police Department has recommended that the City Council pass an ordinance regulating parties in residential areas.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

SECTION 1. That Chapter 34, Article 6, of the San Marcos City Code, is added to read as follows:

**ARTICLE 6. HOST RESPONSIBILITIES OF PARTIES IN RESIDENTIAL AREAS.**

**Sec. 34.701. Definitions.**

In this article:

Host means a person who invites or allows others to gather or remain at his residence, or at a residence he has a lawful right to occupy, for a party.

Party means a planned or unplanned gathering of people.

Residence means a dwelling unit in an apartment, townhouse, duplex or other multi-family residential structure, or a single-family residence. Residence includes the entire premises of a residence, including the residence building, garage, carport, driveway and yard, and adjacent common areas, parking areas, sidewalks and streets.

Residential area means an area:

(1) That is within a residential zoning district; or

(2) Within which, in a one-block area, a majority of the buildings are designed or used for residential purposes, such as one-family or two-family dwellings, apartments, townhomes and condominiums.

**Sec. 34.702. Responsibilities of hosts.**

(a) It is unlawful for a host to fail:

(1) to advise his guests that streets and driveways cannot be blocked by vehicles of persons attending the host's party;

(2) to ensure that noise from the host's party does not reach an unlawful level;

(3) to ensure that litter related to the host's party is properly disposed of by 10 a.m. of the day after the party started; and

(4) that any alcoholic beverages provided or served at the host's party are controlled in a manner that ensures the alcoholic beverage laws are not violated.

(b) It is not a defense to prosecution for violations of any law or ordinance that a security officer or officers who were hired for a party failed to properly fulfill the host's duties in subsection (a) of this section.

(c) It is prima facie evidence that the host violated subsection (a)(1) if the police warn the host that vehicles of persons attending the host's party are blocking streets and driveways and that these vehicles need to be moved, and the vehicles are not moved within a reasonable time.

**Sec. 34.703. Enforcement of other laws.**

Nothing in this division affects a peace officer's authority to enforce other laws such as disorderly conduct, littering, parking and alcohol-related offenses against persons who violate those laws.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** Any person violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

**SECTION 5.** This Ordinance will take effect 10 days after the date of its final passage, and the City Clerk will publish notice of its adoption in a newspaper of general circulation in the City.

PASSED AND APPROVED on first reading December 17, 2001.

PASSED AND APPROVED on second reading January 14, 2002.

PASSED, APPROVED AND ADOPTED on third reading March 25, 2002.

David Chiu  
Mayor

Attest:

Janis K. Womack  
City Clerk

Approved:

Mark B. Taylor  
City Attorney